

*H2O Response
S. Zimmerman
8-17-02*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of P E
JUL 30 2002
PATENT & TRADEMARK OFFICE Date : July 23, 2002
JILL E. BARAD et al. Our Docket : MAT 3C7B
Serial No. : 09/804,664 Group Art : 3712
Filed : March 12, 2001 Examiner : Urszula Cegielnik
For : PERSONALIZED TOY AND METHOD FOR MANUFACTURING
AND DELIVERING THE SAME

Commissioner for Patents
BOX AMENDMENT - NO FEE
Washington, D.C. 20231

RESPONSE

Reconsideration of the Office action dated April 24, 2002, is requested in view of the following remarks. Applicants thank the Examiner for her time during the telephone conversations of July 11, 2002 and July 18, 2002. Prior to this response, claims 1-17 were pending, with claims 1-17 rejected under 35 U.S.C. § 103(a) as being unpatentable over Fleet (U.S. Patent No. 5,282,766) in view of Zerbo, Jr. (U.S. Patent No. 3,144,932).

The Examiner states that Fleet discloses "a personalized toy (Figure 1) within a package (Figure 3) having an aperture (viewing hole 41) and customer-defined identifying material (col. 2, lines 53-62)." Applicants respectfully disagree that Fleet discloses a personalized toy, since the toy disclosed in Fleet is simply a prepackaged toy fish with a figurine located inside of the fish. Neither the toy fish, nor the figurine within the fish, is personalized for an individual customer.